

COMMONWEALTH OF PENNSYLVANIA



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November 12, 2024

**Via Electronic Filing**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

Re: I&E Petition to Request the Commission  
Open a Section 529 Investigation into the  
Acquisition of Conneaut Lake Park Water  
Corporation, Inc.  
Docket Nos. P-2024-3051855  
I-2024-3051857

Dear Secretary Chiavetta:

Attached for electronic filing please find the Office of Consumer Advocate's Prehearing Memorandum in the above-referenced proceeding.

Copies have been served as indicated on the enclosed Certificate of Service.

Respectfully submitted,

/s/ Jacob D. Guthrie  
Jacob D. Guthrie, Esq.  
Assistant Consumer Advocate  
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Enclosures:

cc: The Honorable Arlene Ashton (**email only**: aashton@pa.gov)  
The Honorable Eranda Vero (**email only**: evero@pa.gov)  
Certificate of Service

CERTIFICATE OF SERVICE

Pennsylvania Public Utility Commission, :  
Bureau of Investigation and Enforcement :  
 : Docket Nos. P-2024-3051855  
 v. : I-2024-3051857  
 :  
 :  
Conneaut Lake Park Water Corporation, Inc. :

I hereby certify that I have this day served a true copy of the following document, the Office of Consumer Advocate’s Prehearing Memorandum, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code §1.54 (relating to service by a participant), in the manner and upon the persons listed below.

Dated this 12th day of November, 2024.

**SERVICE BY E-MAIL ONLY**

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Greenville Water Authority  
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Linesville Municipal Water Authority  
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Linesville, PA 16424

Saegertown Water Department  
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Respectfully Submitted,

/s/ Harrison W. Breitman  
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Dated: November 12, 2024

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Counsel for:  
Patrick M. Cicero  
Consumer Advocate

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

I&E Petition to Request the Commission :  
Open a Section 529 Investigation into the : Docket Nos. P-2024-3051855  
Acquisition of Conneaut Lake Park Water : I-2024-3051857  
Corporation, Inc. :

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PREHEARING CONFERENCE MEMORANDUM  
OF THE  
OFFICE OF CONSUMER ADVOCATE

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Pursuant to the Corrected Prehearing Conference Order issued on November 6, 2024, in the above-captioned proceeding, by the Honorable Administrative Law Judges (ALJs) Eranda Vero and Arlene Ashton of the Office of Administrative Law Judge (OALJ) of the Pennsylvania Public Utility Commission (Commission), and pursuant to Section 333 of the Public Utility Code (Code), 66 Pa. C.S. § 333, and the Commission’s regulations at 52 Pa. Code §§ 5.221-5.224, the Pennsylvania Office of Consumer Advocate (OCA) submits the following Prehearing Conference Memorandum.

**I. INTRODUCTION**

This matter involves the proceeding commenced by the Commission’s Bureau of Investigation & Enforcement (I&E) on October 28, 2024, pursuant to Section 529 of the Public Utility Code, 66 Pa.C.S. § 529, when I&E filed the captioned Petition (Petition) with the Commission seeking the acquisition of Conneaut Lake Park Water Corporation, Inc. (CLPWC or Company) by a capable public utility. CLPWC serves approximately 165 customers, 162 of whom are residential customers. The purpose of the Petition is to determine whether the Commission should open an investigation to order a capable public utility to acquire CLPWC.

In CLPWC's recent rate request proceeding, I&E, along with CLPWC, the OCA, the Office of Small Business Advocate, and at least 68 customer complainants, agreed that I&E would file the instant Petition in order to explore the possible purchase of CLPWC by a managerially, technically, and financially fit public utility or municipal corporation or authority. *Pa. PUC v. Conneaut Lake Park Water Corp.*, Docket Nos. R-2023-3041575 et al (Order entered Aug. 1, 2024); Petition ¶ 34. In support of the Petition, I&E provided evidence from CLPWC's recent rate case which demonstrated that the Company's customers were receiving inadequate service, due to poor customer service and quality of service, and that the Company's owner threatened to terminate customers' service in relation for their involvement in the rate proceeding or other personal matters. Petition ¶ 30. Further, CLPWC was, at the time of its recent rate case, in violation of several requirements of the Public Utility Code and Commission regulations, including its failure to provide metered water service to its residential customers. Petition ¶ 28.

Aqua Pennsylvania, Inc. filed a petition to Intervene on November 5, 2024. The OCA filed a Notice of Intervention and Public Statement and an Answer on November 12, 2024.

## **II. ISSUES**

The OCA is participating in this proceeding to ensure that the interests of the customers of CLPWC are protected. Based upon its investigation and review of the filing, the issues to be addressed in the Section 529 proceeding include, but are not limited to, the following:

- The technical, managerial, and financial fitness, or lack thereof, of CLPWC;
- Failures to comply with DEP and/or Commission orders and regulations by CLPWC;
- Whether the Commission should order a capable public utility to acquire CLPWC; if so, which capable public utility should be ordered to acquire CLPWC; and

- The reasonableness of any purchase price for CLPWC.

### **III. WITNESSES**

The OCA intends to present the written direct, rebuttal, and surrebuttal testimonies, as may be necessary, of the below witness:

Nicholas A. DeMarco  
Regulatory Analyst  
Office of Consumer Advocate  
5<sup>th</sup> Floor, Forum Place  
555 Walnut Street  
Harrisburg, PA 17101-1923

The OCA specifically reserves the right to call additional witnesses, as necessary. If the OCA determines that additional witnesses will be necessary for any portion of its case, it will notify all parties of record promptly.

### **IV. PROPOSED SCHEDULE**

The OCA will work with the ALJ and the parties to develop a procedural schedule.

### **V. PUBLIC INPUT HEARINGS**

At this time, the OCA is not requesting a Public Input Hearing. However, the OCA reserves the right to make such a request if the OCA determines that one is necessary.

### **VI. DISCOVERY**

The OCA does not request any discovery rule modifications at this time.

### **VII. OCA COUNSEL / SERVICE ON THE OCA**

The OCA will be represented in this case by the attorneys listed below:

Harrison W. Breitman  
Jacob Guthrie  
Ryan Morden  
Assistant Consumer Advocates  
555 Walnut Street, 5<sup>th</sup> Floor, Forum Place  
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The OCA will accept email service without provision of a hard copy.

## VIII. SETTLEMENT

The OCA welcomes and will participate in settlement discussions. To facilitate settlement discussions, the OCA prefers that the parties request OALJ assign a settlement judge. We believe given the issues involved this is preferable to assigning this case to a mediator. However, the OCA will participate in all settlement discussions whether before a settlement judge or in mediation. To preserve the impartiality of the presiding officers in this proceeding, the OCA requests that a separate settlement judge be appointed and that ALJs Ashton and Vero remain the presiding officers who would hear the case if settlement cannot be reached before a separate settlement judge.

Respectfully submitted,

/s/ Harrison W. Breitman  
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